

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Lee Green, Sr.,

Civil No. 16-cv-1321 (PJS/TNL)

Plaintiff,

v.

ORDER

Mayo Clinic, *Rochester, MN*,

Defendant.

Richard Lee Green, Sr., 16739 660th Street, Dodge Center, MN 55927 (pro se Plaintiff).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated May 20, 2016 (ECF No. 3), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).
2. The application to proceed *in forma pauperis* of plaintiff Richard Lee Green, Sr. (ECF No. 2) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 13, 2016

s/Patrick J. Schiltz
The Honorable Patrick J. Schiltz
United States District Court Judge
for the District of Minnesota